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COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention of
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Forty-fourth session
Agenda item 6

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION AND OF APARTHEID, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII)

Written statement submitted by Habitat International Coalition, a non-governmental organization on the Roster

The Secretary-General has received the following communication, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[20 June 1992]

Forced evictions

1. On 26 August 1991, at its forty-third session, the Sub-Commission adopted by consensus resolution 1991/12 entitled "Forced evictions". In addition to recognizing the widespread nature of the practice of forced evictions, resolution 1991/12 also drew the attention of the Commission on Human Rights to the fact that the practice of forced eviction constitutes a gross violation of human rights, in particular the right to adequate housing, and to the need for immediate measures to be undertaken at all levels aimed at eliminating the practice of forced eviction.

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2. In this resolution, the Sub-Commission also decided to review the matter of forced eviction as a gross and consistent pattern of human rights violations affecting large numbers of people and peoples, at its forty-fourth session. Habitat International Coalition would thus like to draw the attention of the Sub-Commission to several developments which have occurred since the forty-third session concerning forced evictions, as well as outlining some of our on-going concerns about this global violation of human rights.

3. On 12 December 1991, during its sixth session, the Committee on Economic, Social and Cultural Rights adopted General Comment No. 4 on the Right to Adequate Housing (Article 11(1) of the Covenant), which addresses the act of forced evictions in a potent manner and expands international legal protection against this practice in paragraph 18:

> The Committee considers that instances of forced evictions are prima facie incompatible with the requirements of the Covenant and can only be justified in the most exceptional circumstances, and in accordance with the relevant principles of international law.

4. During that same session, the Committee reaffirmed its 1990 conclusion that the Government of the Dominican Republic had violated the right to housing as found in article 11(1) of the Covenant, due to the prevalence of evictions in this country, as well as the refusal of the Government to respond to the Committee's request for additional information on forced evictions. Moreover, the Committee specifically requested the Government in question "to suspend any actions which do not conform with the rights contained in the Covenant on Economic, Social and Cultural Rights", particularly in the area known as La Cienega, an area inhabited by 70,000 persons and set for eviction based on Presidential Decree No. 358/91 issued in September 1991.

5. Also at its sixth session, the Committee on Economic, Social and Cultural Rights strongly criticized the Government of Panama for the prevalence of evictions carried out in that country. Specific mention was made of the dismal living conditions faced by a majority of the 12-15,000 residents of El Chorrillo who were made homeless during the invasion by the United States, as well as a series of additional eviction actions carried out in Tocumen, San Miguelito and Panama Viejo in early 1990, by joint Panama-United States military forces. The Committee concluded that "evictions carried out in this manner infringed the right to adequate housing, the right to privacy and the right to security of the home".

6. In addition to legal observations of this nature by the human rights bodies of the United Nations, regional human rights organs have also expressed similar views. For instance, the European Commission and Court on Human Rights have addressed housing rights issues in a number of cases, perhaps the most significant decision concerning evictions occurred in the 1976 Cyprus v. Turkey case. In the opinion of the Commission "the evictions of Greek Cypriots from houses, including their own homes, which are imputable to Turkey under the Convention, amount to an interference with .... the right of these persons to respect for their home, and/or their right to respect for private life".

7. The opinion that evictions constitute violations of human rights has also been echoed by several governments during recent sessions of the Commission on Human Rights. During the forty-eighth session of the Commission on Human Rights, on 6 February 1992, for instance, Mr. Kooijmans, Head of the Netherlands delegation stated that it is often easier to determine that a person does not enjoy certain economic or social rights than to define an actual violation of such a right and identify a violator. Yet in some situations the concept of "violation" can be applied without giving rise to much discussion. One can think of cases of evictions where authorities wilfully violate the right to housing.

8. In view of the international consensus equating forced evictions with violations of human rights, primarily the right to adequate housing, the necessity of further concerted action by the Sub-Commission and the United Nations human rights programme as a whole, geared towards severely regulating this global practice is undisputable. While a more complete coverage of planned and recent evictions is available within Habitat International Coalition's biennial document "Forced Evictions: A Global Survey", a summary of some of the more urgent cases follows.

Planned evictions

9. Under the Government's seventh Five Year Housing Plan (1992-1996) in Thailand, the public authorities have specified plans for the eviction in Bangkok alone of 62,000 families from more than 300 of the city's 1,500 slums. In addition, according to a survey carried out by the Asian Coalition for Housing Rights (ACHR) up to 70 per cent of all slums in Bangkok are threatened with eviction. ACHR has also reported that the Thai Government's Forest Recovery Programme currently under way in the north-east of Thailand threatens to displace up to 11,073 villages from areas classified as "preserved forests".

10. A large-scale eviction has been planned to take place during 1992 in Koja Utra, North Jakarta, which comes on the heels of 14,500 persons who faced eviction in Jakarta, Indonesia during 1991. Current eviction plans will, unless the Government reconsiders its decision, result in the de-housing of some 17,146 households or 81,936 persons.

11. According to the Madras Slum Peoples Organization, figures released by the Tamil Nadu Slum Clearance Board in 1992 indicate that 118 slums are scheduled for eviction on "a priority basis". Should these plans be carried out, 122,997 people will face forced eviction, resulting in the demolition of 18,228 homes.

12. Despite intense local and international criticism, including the unprecedented findings of the World Bank's Independent Review Team released in June 1992, one of the planned dams in the World Bank funded Narmada Valley Dam Project, the Sardar Sarovar dam threatens to displace between 150,000-200,000 villagers.

13. Recent decisions in China to proceed with the Three Gorges dam on the Yangtze river, despite widespread criticism of the project both within and outside China, will result in the submergence of 800 villages and the forced displacement of more than 750,000 persons.

14. Plans concerning the 1996 Summer Olympic Games in Atlanta, United States of America, threaten the eviction of several communities, including Techwood, Clark Howell and Summerhill currently home to over 2,000 residents.

15. According to the Society for Community Organization (SOCO), the "Extended Redevelopment Programme" in Hong Kong includes the planned demolition of all old public housing estates, located mainly in urban areas, between 1987-2001. Thousands of tenants could lose their existing homes. While many of those displaced will be allowed to stay in the same district, 30 per cent of tenants will be forced to resettle in far off districts.

Forced evictions during 1991-1992

16. More than 2,000 persons were evicted from 20 different locations in Harare, Zimbabwe, preceding a visit from Queen Elizabeth II and the convening of the 1991 Summit of the Commonwealth Heads of State. In September 1991, 194 families were evicted from Tahinga Camp in Mbare, while a further 981 squatters from 19 settlements in Harare faced forced eviction on 3 October.

17. The makeshift homes of approximately 200 dwellers in three city-owned lots in East Manhattan, New York, were levelled by bulldozers in a dawn raid on 14 October 1991. Many of those who lost their homes had moved into the shanty towns after being evicted previously from nearby Tompkins Square Park in June 1991. Local organizations estimate that around 100 shanty towns exist in New York City, housing approximately 2,500 of New York's estimated 70,000 homeless persons.

18. Since 1986, a total of 276 separate incidents of eviction and demolition were carried out in Manila, Philippines. According to Brigadier General Levi Macasiano, the Head of the Philippine Government's Task Force on Demolition, he and his men demolished 20,000 homes in 1991 alone. A recent survey carried out by the Filipino NGO Urban Poor Associates shows that of all evicted areas in Metro Manila, some 80-90 per cent of the land cleared remains unused.

19. In Bhopal, India, 3,000 of the same persons victimized by the Union Carbide chemical plant disaster of 1985 were subjected to the demolition of their homes in mid-1991 in the areas of Shakirnagar and Shahjidanagar. A Bhopal Municipal City Beautification Plan had envisioned the demolition of the homes of more than 60,000 persons; however, on 6 June 1991 the Indian Supreme Court stayed any further demolitions.

20. During 1991, more than 204,000 people in the United Kingdom had their homes repossessed by mortgage lenders, resulting in mortgage default constituting the fastest growing cause of already seriously high levels of homelessness in the United Kingdom.

21. Serious rioting broke out in the Iranian City of Mashad in late May 1992 following attempts by local authorities to demolish hundreds of illegally built homes in the poor neighbourhood of Koy-ye Tolab. Six people died and hundreds of arrests followed the confrontations. This case was the fourth in a series of protests following attempts by government officials to demolish the homes of Iran's poorest residents.

22. These and many other forced evictions which have been carried out during the past year alone illustrate that evictions continue to be a routine practice, despite the emergence of international legal perspectives equating this act with violations of human rights. For this reason and many others, Habitat International Coalition encourages the Sub-Commission to further specify its efforts towards eliminating this insidious and often violent practice. One such effort could be to encourage the Commission on Human Rights to consider evictions under its agenda item on gross violations of human rights and to explore the possibility of appointing a special rapporteur on forced evictions.